IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 5576 of 1996

Between:

1 Pandiripalli Sanjeeva Reddy S/o. P. Hanumappa
r/o. Karutlapalli Vill, Kudair Mandal, Ananthapur Dist.
2 Pandiripalli Ramireddy @ Ramappa S/o. P. Hanumappa
r/o. Karutlapalli Vill, Kudair Mandal, Ananthapur Dist.
3 Kummetha Rami Reddy S/o. K. Chennappa
r/o. Karutlapalli Vill, Kudair Mandal, Ananthapur Dist.
4 Kummetha Chandrayudu S/o. K. Chennappa
r/o. Karutlapalli Vill, Kudair Mandal, Ananthapur Dist.

..... PETITIONERS

AND

1 The Land Acquisition Officer-Cum-

The Mandal Revenue Officer
Kudair Mandal, Ananthapur Dist.
2 The Revenue Divisional Officer,
Ananthapur (PO&DT)
3 The Dist. Collector, Ananthapur (PO&Dt)
Ananthapur. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of Certiorary calling for the records in and relating to the award No.4/77, dated 8-06-1977, 3/77, dated 08-06-1977 and Rc.B/LA60/76, dated. 23-03-1977 of the then Tahasildar, Ananthapur from the office of the first respondent and quash the same holding that the said awards are illegal, irregular, arbitrary and unjustified.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed seeking a writ of Certiorary calling for the records relating to the award No.4/77 dated 8-6-1977, award No.3/77 dated 8-6-1977 and R.C.B/LA60/76 dated 23-3-1977 under the Land Acquisition Act and to quash the said awards.

It is the case of the petitioners, who are brothers, that they are the owners of the land admeasuring Ac.3-15 cents in S.No.123-1 and an extent of Ac.0-64 cents in S.No.123-2C and an extent of Ac.0-47 cents in S.No.123-2B of Karutlapalli village. The said lands were acquired by issuing notification under Section 4(1) of the Land Acquisition Act (for short 'the Act') on 25-6-1976 and the draft declaration as contemplated under Section 6 of the Act was published on 22-11-1976. Consequently, the award enquiry was conducted and awards were passed on 8-6-1977 and 23-3-1977. It is the further case of the petitioners that though they are the owners and possessors of the land in view of the partition of their joint family properties, but they were not informed by issuing any notice before the award was passed only on the ground that the same is in violation of Sections 9 and 10 of the Act. Therefore, the petitioners have questioned those awards by filing this writ petition.

Though no counter-affidavit is filed, a perusal of the affidavit filed in support of the writ petition shows that the respondents took the possession of the said land in the year 1977 itself. This writ petition is filed in the year 1996. In order to explain the said delay, the petitioners have stated in their affidavit that they have been approaching the authorities and enquiring the matter. But there is no valid explanation for the inordinate delay of about more than about 19 years in approaching this Court. Though it is admitted that the respondents took possession of the land in 1977 but thereafter the petitioners have not pursued the matter immediately. Therefore, the explanation given by the petitioners in their affidavit, for the inordinate delay of 19 years, cannot be accepted. In that view of the matter, the writ petition is liable to be rejected merely on the ground of delay and latches on the part of the petitioners in approaching this Court.

Writ Petition is accordingly dismissed without any order as to costs.

16-02-2005

LUR

Copy to:

1 The Land Acquisition Officer-Cum-

The Mandal Revenue Officer
Kudair Mandal, Ananthapur Dist.

2 The Revenue Divisional Officer,
Ananthapur (PO&DT)

3 The Dist. Collector, Ananthapur (PO&Dt)
Ananthapur.

4 Two CCs to the G.P. for Land Acquisition,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

5 Two CD copies.